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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,705	09/27/2000	Gerhard Reichert	1663-L	6878

7590 03/18/2002

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EXAMINER

GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/18/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

A9-3

Office Action Summary

Application No.

09/670,705

Applicant(s)

REICHERT, GERHARD

Examiner

John L. Goff

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 6 and 7 are objected to because of the following informalities: It appears claim 6 should depend from claim 5 not claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 6, 8-13, 19-23, and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodek et al (U.S. Patent 5,655,282).

Hodek et al are directed to an insulating glazing unit. Hodek et al teach a pair of glass sheets separated from one another by a spacer (Column 7, lines 60-63 and Figure 10). The spacer is free of sealant and located inward from the perimeter of the glass sheets forming an outwardly-facing channel and an inward, insulating chamber. In order to seal the unit, a primary sealant and a secondary sealant are applied into the outwardly-facing channel over the entire perimeter including the corners (Column 7, lines 63-66 and Column 8, lines 24-28). Hodek et al teach that it is well known in the art to use both foam and metal spacers carrying a desiccant (Column 4, lines 37-41 and 66-67), and it is known to use a spacer with a pair of notched corners (Figure 1). The primary sealant can be a butyl adhesive (Column 11, line 31) including polyisobutylene (Column 11, lines 40-41), or a low permeable sealant (Column 8, lines 16-20). The secondary sealant is a

structural sealant made of a thermoset such as silicone (Column 8, lines 24-28). Hodek et al anticipates claims 1-3, 5, 6, 8-13, 19-23, and 26-29.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodek et al (U.S. Patent 5,655,282).

As shown above, Hodek et al teach all of the limitations in claims 4, 7, 18, and 24 except for a teaching on applying the primary sealant only to the notched corners of the spacer. Hodek et al does teach that it is known to use a spacer with notched corners (Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the primary sealant only into the notched corners to save both time and material absent any unexpected results.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodek et al as applied to claims 1-3, 5, 6, 8-13, 19-23, and 26-29 above, and further in view of Schlienkamp (U.S. Patent 4,519,962).

As shown above, Hodek et al teach all of the limitations in claims 14 and 15 except for a teaching on how to apply the adhesive. Schlienkamp teaches a method and system for sealing the edges of insulating-glass panels. The sealing method of Schlienkamp is a continuous process wherein a glass pane is conveyed to a sealing station (Column 3, lines 23-27). A sealing nozzle then applies adhesive to the entire perimeter

of the glass pane (Column 3, lines 42-44). One skilled in the art at the time the invention was made would have readily appreciated the method of sealing glazing units taught by Schlienkamp as a continuous method for sealing the glazing unit of Hodek et al.

Regarding claim 15, Schlienkamp is silent on the application of a secondary sealant. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use multiple sealing stations with one station applying a primary sealant followed by another station using a secondary sealant absent any unexpected results.

7. Claims 16, 17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodek et al as applied to claims 1-3, 5, 6, 8-13, 19-23, and 26-29 above, and further in view of Battersby (U.S. Patent 3,759,771).

As shown above, Hodek et al teach all of the limitations in claims 16, 17, and 25 except for a teaching on how to apply the adhesive. Battersby teaches a method of making a double glazing unit. Battersby simultaneously applies two sealants to a glazing unit using an applicator with two heads wherein the second applicator head trails the first (Column 2, lines 66-72 and Figure 2). The adhesive material in each applicator head can be different (Column 4, lines 16-18). One skilled in the art at the time the invention was made would have readily appreciated the method of sealing glazing units taught by Battersby as a method for sealing the glazing unit of Hodek et al.

Regarding claim 17, Battersby is silent on a teaching of a retractable applicator nozzle because in the embodiment of the invention taught by Battersby a retractable applicator nozzle is not required. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a retractable first nozzle

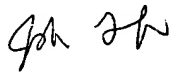
if the nozzle would disturb the application of a secondary sealant around the perimeter of the glazing unit.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481**. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John L. Goff
March 12, 2002



Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700